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EXAMINER

ELAHEE, MD S

ART UNIT	PAPER NUMBER
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2697

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DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/746,299

Applicant(s)

KOKO ET AL.

Examiner

Md S Elahee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 5-7, 9, 10, 12-16, 18 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Elazar (U.S. Pub. No. 2003/0147522).

Regarding claims 1 and 14, Elazar teaches communicating with a customer through a communication channel (fig.1, fig.3; page no.2, paragraph 0016, page no.3, paragraph 0037; ‘customer’ reads on the claim ‘client’).

Elazar further teaches gathering customer interaction debriefing from the customer about an agent and an interaction associated with the agent through the communication channel (abstract; page no.2, paragraphs 0016, 0034, page no.3, paragraph 0037; ‘customer interaction debriefing’ reads on the claim ‘feedback’ and ‘customer’ reads on the claim ‘client’).

Elazar further teaches storing the customer interaction debriefing in a storage (page no.2, paragraphs 0016, 0017, 0034, page no.3, paragraph 0037; ‘customer interaction debriefing’ reads on the claim ‘feedback’ and ‘storage’ reads on the claim ‘client response database’).

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Regarding claims 2 and 15, Elazar teaches that gathering comprises gathering the feedback through a telephone call (abstract; page no.2, paragraph 0016, page no.3, paragraph 0037).

Elazar further teaches that storing comprises recording the telephone call and storing the recorded telephone call (page no.2, paragraphs 0016, 0017, page no.3, paragraph 0037).

Regarding claims 3, 10 and 16, Elazar teaches receiving an agent report from the agent, the agent report describing the interaction (page no.2, paragraphs 0016, 0017, page no.3, paragraph 0037).

Elazar further teaches determining whether there is an actionable discrepancy between the agent report and the customer interaction debriefing (page no.2, paragraph 0034, page no.3, paragraph 0037; 'customer interaction debriefing' reads on the claim 'feedback').

Elazar further teaches initiating a responsive action if there is the actionable discrepancy (page no.2, paragraph 0034, page no.3, paragraph 0037).

Regarding claims 5, 12 and 18, Elazar teaches generating an evaluation of the agent using the feedback (page no.2, paragraph 0034; 'customer interaction debriefing' reads on the claim 'feedback').

Regarding claims 6, 13 and 19, Elazar teaches generating an evaluation of the agent using the feedback (page no.2, paragraph 0034; 'customer interaction debriefing' reads on the claim 'feedback').

Elazar further teaches matching the agent with a second client according to the evaluation (page no.2, paragraph 0034, page no.3, paragraph 0043; 'customer interaction debriefing' reads on the claim 'feedback').

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Regarding claim 7, Elazar teaches a communication channel operable to communicate customer interaction debriefing from a customer, the customer interaction debriefing describing an interaction between an agent and the customer (fig.1, fig.3; page no.2, paragraph 0016, page no.3, paragraph 0037; 'customer interaction debriefing' reads on the claim 'feedback' and 'customer' reads on the claim 'client').

Elazar further teaches initiating collection of the customer interaction debriefing (page no.2, paragraphs 0016, 0034, page no.3, paragraph 0037; 'customer interaction debriefing' reads on the claim 'feedback').

Elazar further teaches receiving the customer interaction debriefing from the communication channel (abstract; page no.2, paragraphs 0016, 0034, page no.3, paragraph 0037; 'customer interaction debriefing' reads on the claim 'feedback' and 'customer' reads on the claim 'client').

Elazar further teaches storing the customer interaction debriefing in a storage (page no.2, paragraphs 0016, 0017, 0034, page no.3, paragraph 0037; 'customer interaction debriefing' reads on the claim 'feedback' and 'storage' reads on the claim 'client record database coupled to the monitoring module').

Regarding claim 9, Elazar teaches that the customer interaction debriefing is gathered through a telephone call (abstract; page no.2, paragraphs 0016, 0034, page no.3, paragraph 0037; 'customer interaction debriefing' reads on the claim 'feedback').

Elazar further teaches that the monitoring module is operable to record the telephone call (page no.2, paragraphs 0016, 0017, page no.3, paragraph 0037).

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 11, 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elazar (U.S. Pub. No. 2003/0147522) and in view of Shaffer et al. (U.S. Patent No. 6,363,145).

Regarding claims 4, 11 and 17, Elazar teaches determining whether the customer interaction debriefing comprises a trigger event (page no.2, paragraph 0034, page no.3, paragraph 0037; 'customer interaction debriefing' reads on the claim 'feedback').

Elazar further fails to teach "triggering an alarm if the feedback comprises the trigger event". Shaffer'145 teaches triggering an alarm if the feedback comprises the trigger event (col.3, lines 26-43). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Elazar to allow triggering an alarm if the feedback comprises the trigger event as taught by Shaffer'145. The motivation for the modification is to have doing so in order to provide the notification of the agent's performance.

Regarding claim 20, Elazar teaches a communication channel operable to communicate customer interaction debriefing from a customer, the customer interaction debriefing describing an interaction between an agent and the customer (fig.1, fig.3; page no.2, paragraph 0016, page no.3, paragraph 0037; 'customer interaction debriefing' reads on the claim 'feedback' and 'customer' reads on the claim 'client').

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Elazar further teaches initiating collection of the customer interaction debriefing (page no.2, paragraphs 0016, 0034, page no.3, paragraph 0037; 'customer interaction debriefing' reads on the claim 'feedback').

Elazar further teaches receiving the customer interaction debriefing from the communication channel (abstract; page no.2, paragraphs 0016, 0034, page no.3, paragraph 0037; 'customer interaction debriefing' reads on the claim 'feedback' and 'customer' reads on the claim 'client').

Elazar further teaches recording the telephone call and storing the customer interaction debriefing in a storage (page no.2, paragraphs 0016, 0017, 0034, page no.3, paragraph 0037; 'customer interaction debriefing' reads on the claim 'feedback' and 'storage' reads on the claim 'client record database coupled to the monitoring module').

Elazar further teaches determining whether the customer interaction debriefing comprises a trigger event (page no.2, paragraph 0034, page no.3, paragraph 0037; 'customer interaction debriefing' reads on the claim 'feedback').

Elazar further fails to teach "triggering an alarm if the feedback comprises the trigger event". Shaffer'145 teaches triggering an alarm if the feedback comprises the trigger event (col.3, lines 26-43). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Elazar to allow triggering an alarm if the feedback comprises the trigger event as taught by Shaffer'145. The motivation for the modification is to have doing so in order to provide the notification of the agent's performance.

Elazar further teaches receiving an agent report from the agent, determining whether there is an actionable discrepancy between the agent report and the customer interaction

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debriefing and initiating a responsive action if there is the actionable discrepancy (page no.2, paragraphs 0016, 0017, 0034, page no.3, paragraph 0037; 'customer interaction debriefing' reads on the claim 'feedback').

Elazar further teaches generating an evaluation of the agent using the feedback (page no.2, paragraph 0034; 'customer interaction debriefing' reads on the claim 'feedback').

Elazar further teaches matching the agent with a second client according to the evaluation (page no.2, paragraph 0034, page no.3, paragraph 0043; 'customer interaction debriefing' reads on the claim 'feedback').

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Elazar et al. (U.S. Pub. No. 2002/0067806) and in view of Shaffer et al. (U.S. Patent No. 6,128,380).

Regarding claim 8, Elazar fails to teach "the communication channel comprises a website operable to be accessed by the client". Shaffer'380 teaches the communication channel comprises an internet push technology operable to be accessed by the caller (col.5, lines 3-18; 'internet push technology' reads on the claim 'website' and 'caller' reads on the claim 'client'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Elazar to allow the communication channel comprising a website operable to be accessed by the client as taught by Shaffer'380. The motivation for the modification is to have doing so in order to provide the internet access for the customer.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alam Elahee whose telephone number is (703) 305-4822. The examiner can normally be reached on Mon to Fri from 9:00am to 5:30pm.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (703)305-4717. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

M. E.

MD SHAFIUL ALAM ELAHEE

September 16, 2003

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